RECEIVED CENTRAL FAX CENTER

JUN 3 0 2004

27662

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: AF - Patents, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC2100 at (703) 872-9306 June 30, 2004 (Date of Transmission) Craig S. Fischer

PATENT

Attorney Docket No.: MCS-116-99

MSFT No.: 146907.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE **BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: NACE et al.

Serial No.:

09/461,900

Group Art Unit: 2123

Filed:

December 15, 1999

Examiner: W. THOMSON

For:

SERVER RECORDING AND CLIENT PLAYBACK OF COMPUTER NETWORK CHARACTERISTICS

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop: AF

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TC2100

Facsimile No.: (703) 872-9306

Sir:

The Applicants hereby appeal to the Board of Patent Appeals and Interferences

07/06/2004 CNGUYEN 00000003 09461900

01 FC:1401

330.00 OP

Serial No.; 09/461,900

Attorney Docket No: MCS-116-99

from the decision of the Examiner contained in a final Office Action dated March 1, 2004 (Paper No. 8), finally rejecting claims 1-40.

A Credit Card Payment Form in the amount of \$330.00 to cover the fee for filing a Notice of Appeal under 37 C.F.R. 1.17(b) is enclosed herewith.

Respectfully submitted, Dated: June 30, 2004

Craig S Fischer
Registration No. 42,535
Attorney for Appellants

LYON & HARR, L.L.P. 300 East Esplanade Drive, Suite 800 Oxnard, CA 93036-1274

Telephone: (805) 278-8855 Facsimile: (805) 278-8064



INTELLECTUAL PROPERTY LAW INCLUDING PATENTS, TRADEMARKS, COPYRIGHTS AND RELATED MATTERS

300 ESPLANADE DRIVE, SUITE 800 OXNARD, CALIFORNIA 93030 TELEPHONE: (808) 278-8855 FACSIMILE: (806) 278-8064 EMAIL: Mail@CuttingEdgePatants.com

Facsimile Cover Sheet

To:	Hon. Com	missioner for Patents,		From:	Craig S. Fischer 6 (inclusive)	
Fax:	(703) 872-9	306		Pages:		
Re:	Filed: Dec	09/461,900 ember 15, 1999 locket No: MCS-116-99		Date:	June 30, 2004	
□ Urgent		☑ For Review	☐ Please Comment	Ø	Please Reply	

CERTIFICATE OF TRA	ANSMISSION UNDER 37 C.F.R. §1.8			
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office				
onJune 30, 2004	1-1			
Date	Signature			
	Craig S. Fischer			
	Typed or printed name of person signing Certificate			

This correspondence includes the following attached papers:

- 1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
- 2. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pages);
- 3. Credit Card Payment Form for \$330. (1 page for Notice of Appeal fee);
- 4. Extension of Time one month (1 page).
- 5. Credit Card Payment form for \$110.00 (1 page for one-month extension of time).

This message is intended for the use of the individual or entity to which it is addressed, and may contain information that is privileged and confidential. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service.

If there are any problem with this transmission, please call (805) 278-8855.